

**LYNCHBURG CITY COUNCIL
Agenda Item Summary**

MEETING DATE: **October 14, 2003**

AGENDA ITEM NO.: 9

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Appeal of Historic Preservation Commission Decision Concerning Property at 416 Pearl Street**

RECOMMENDATION: Uphold the Decision of the HPC to Deny the Certificate of Appropriateness Request

SUMMARY: On August 6 Granville and Diana Coleman, 406 Pearl Street, filed a Certificate of Appropriateness (COA) application with the Historic Preservation Commission (HPC) requesting permission to alter the property at 416 Pearl Street by removing the original wood clapboard siding from the right side of the building and installing Masonite siding. Installation of the Masonite had begun, and the COA request was made partly after-the fact. On August 18, the HPC considered the application and issued COA #HPC0308-0007 denying the request. Subsequent to such action, by letter dated August 27, the Colemans appealed the HPC's decision to City Council.

PRIOR ACTION(S):

August 18: Motion made by HPC Member to approve the COA application failed by a vote of 2-3 (Also see "History" section in attached report.)

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn / 847-1508, ext. 253
Annette Chenault / 847-1508, ext. 258

ATTACHMENT(S):

- Background/Overview Report
- Letter of Appeal
- HPC minutes
- Photographs
- Vicinity Map

REVIEWED BY: lkp

RESOLUTION "A"

A RESOLUTION DENYING A CERTIFICATE OF APPROPRIATENESS TO ALTER PROPERTY AT 416 PEARL STREET.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG That the petition of Granville and Diana Coleman for a Certificate of Appropriateness to alter the property at 416 Pearl Street be, and the same is hereby denied.

Adopted:

Certified: _____
Clerk of Council

RESOLUTION "B"

A RESOLUTION APPROVING A CERTIFICATE OF APPROPRIATENESS TO ALTER PROPERTY AT 416 PEARL STREET.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG That the petition of Granville and Diana Coleman for a Certificate of Appropriateness to alter the property at 416 Pearl Street be, and the same is hereby, approved, and it is hereby directed that a certificate of appropriateness be issued.

Adopted:

Certified: _____
Clerk of Council

172L

416 PEARL STREET
APPEAL OF HPC DECISION
BACKGROUND/OVERVIEW

OVERVIEW

- A building's historic character is a combination of its design, age, setting and materials. In addition to the roof, the exterior walls of a building are perhaps the most visible aspect of a building. Wood clapboards, wood shingles, wood board and batten, brick, stone or a combination of the above play an important role in defining the building's historic appearance.
- The City's publication Residential Historic Districts Design Guidelines does not recommend installation of Masonite siding. When the HPC made its decision to oppose Masonite, it was based on the Guidelines.
- The U. S. Department of the Interior's Standards for Rehabilitation states that in the event replacement of an architectural feature is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. The Standards never recommend resurfacing frame buildings with any new material that does not duplicate the historic material because of the strong potential of altering the character of the historic building.
- Masonite does not have the durability of wood siding. This product, referred to by some as "hardboard" or "cardboard" siding, is manufactured by a company called Masonite, which has decided to discontinue the product because of the number of lawsuits filed against it. When moisture accumulates behind the siding, various problems are caused, including mold, mildew and rotting. Exterior siding usually does not rot from the outside but rather from the inside. Masonite siding is not an appropriate substitute for wood siding.
- Preservation of a building and its historic character is based on the assumption that the retention of historic materials and features and their craftsmanship are of primary importance. Therefore, the underlying issues in any discussion of replacement materials are whether or not the integrity of historic materials and craftsmanship has been lost. Structures are historic because the materials and craftsmanship reflected in their construction are tangible and irreplaceable evidence of our cultural heritage. To the degree that substitute materials destroy and/or conceal the historic fabric, they will always subtract from the basic integrity of historically and architecturally significant buildings.
- The Department of Historic Resources provides the following guidelines when replacing a historic material:
 - 1) If the historic material to be replaced is still available, use it.
 - 2) If the craftsmanship to install the historic material is still available, install it.
 - 3) If the historic material to be replaced is inherently flawed, approve a new material that closely matches the appearance of the historic material.
 - 4) For tax credit rehabilitation approval, the applicant is expected to repair historic material whenever possible. When deterioration of historic material is both proven and documented, replacement should match the appearance, size, design, proportion and material of the feature to be replaced.
- If Council's decision would be to support this appeal, it would set a precedent for future cases. Property owners who buy properties in Historic Districts often do so because they expect the historic designation to protect their investment. Allowing property owners to deviate from the basic guidelines of historic preservation undermines the purpose of a Historic District, which is to protect real estate investments and stabilize neighborhoods.

I. BACKGROUND

On August 6 Granville and Diana Coleman, 406 Pearl Street, filed a Certificate of Appropriateness (COA) application with the Historic Preservation Commission (HPC) requesting permission to alter the property at 416 Pearl Street by removing the original wood clapboard siding from the right side of the building and installing Masonite siding. A portion of the request was made after-the fact as the siding already had been

removed, and the owners were in the process of installing the Masonite siding. On August 5, the Zoning Officer ordered that the work be stopped. On August 18, the HPC considered the application and issued COA #HPC0308-0007 denying the request to install Masonite siding. Subsequent to such action, by letter dated August 27, the Colemans appealed the HPC's decision to City Council.

II. ANALYSIS

1. History

- A. The house at 416 Pearl Street was built ca. 1900. It is located on the South side of Pearl Street in the southeastern portion of the Diamond Hill Historic District. It is a one-story with basement, frame vernacular cottage with a front gable metal roof and a one-story L-shaped porch. The original wood clapboard siding and wood windows were removed from the right side of the house and covered with plywood underlayment. Masonite siding was installed at the lower, right corner.
- B. April 19, 2002 – An Inspection Report/Notice of Violations was issued by the Inspections Division for building code violations, including exterior walls violations.
- C. July 16, 2002 – At the request of Diana Coleman, a meeting was held with Mayor Hutcherson and Councilman Barksdale. Also in attendance were Kim Payne, Walter Erwin, Rachel Flynn, Karl Cooler and Bob Drane.
- D. August 1, 2002 – Granville and Diana Coleman submitted a “Plan of Action” to address the violations within a period of twelve months. Also attached to the “Plan of Action” was a structural report dated July 31, 2002 from Court Street Engineering, P.C.
- E. August 5, 2002 – Certificate of Appropriateness #1008 was issued to the Colemans for repairs to the building, as stipulated in a letter dated August 1, 2002 to Bob Drane. Included in the letter was a statement to “install siding” on the right side of the structure. Another statement was included that “all deteriorated boards will be replaced.” Annette Chenault, HPC Secretary, interpreted the general statements to mean that the siding would be replaced with like kind wood clapboard siding.
- F. August 5, 2002 – The Inspections Division issued a building permit to renovate the exterior.

[one year later]
- G. August 5, 2003 – Art Tolley, Zoning Official, told the Colemans to stop work until the Historic Preservation Commission reviewed the change in the original siding.
- H. August 8, 2003 – The Inspections Division wrote a letter to the Colemans informing them that the building permit had expired and to submit new plans or a plan of action in order to continue work.
- I. August 18, 2003 – The HPC issued a “Notice of Denial” to the Colemans for installing Masonite siding.
- J. September 5, 2003 – The Colemans were ordered to return to court for failure to correct the housing code violations within their proposed time frame of twelve months. The Judge ruled that they pay a \$1,000 fine for failure to correct the violations unless they are able to make the corrections within a time frame that is acceptable to the Inspections Division. The other option is to make a good faith effort to sell the house at fair market value within the next twelve months. If they are unable to sell the house, they have the Judge's permission to demolish it.

- 2. The *National Register of Historic Places Inventory* provides that most of the houses on Diamond Hill were erected during the late 19th and early 20th centuries and range from speculative houses erected as rental units to upper middle-classes houses. Land was subdivided in the 1870s for worker and rental

housing, including those in the 300 and 400 blocks of Pearl Street. Most frame houses within the District retain their original clapboard or weather board siding.

3. The Residential Historic Districts Design Guidelines describes the Harrison/Pearl Street area as one of five sub-districts of Diamond Hill that includes structures ranging from medium to large scale with numerous architectural styles as well as several frame vernacular dwellings. There have been approximately 20 demolitions in the past ten years, the majority of which have been frame vernacular structures on the edges of the District. The Guidelines provides that a building's historic character is a combination of its design, age, setting and materials. In addition to the roof, the exterior walls of a building are perhaps the most visible aspect of a building. Wood clapboards, wood shingles, wood board and batten, brick, stone or a combination of the above play an important role in defining the building's historic appearance. The Guidelines recommends preserving those materials and features that are important in defining the building's historic character. It recommends replacing severely damaged or deteriorated historic materials and features in kind. It does not recommend removing the historic siding and installing Masonite or other substitute siding. When the HPC made its decision to oppose Masonite, it was based on the Guidelines.
4. The U. S. Department of the Interior's Preservation Brief #8 states that to the degree that substitute materials destroy and/or conceal the historic fabric, they will always subtract from the basic integrity of historically and architecturally significant buildings.
5. The *Historic Districts Ordinance* of the City Code charges the HPC with protecting and preserving historic buildings as well as maintaining appropriate settings and environments for such buildings (Section 35.1-44.1a). The Ordinance also stipulates that all decisions of the HPC shall be consistent with Standards as established by the Secretary of the United States Department of the Interior (Section 35.1-44.1(g)(3)). The Certified Local Government Program, of which Lynchburg is a part, also stipulates that the HPC will approve alterations that are consistent with these Standards.
6. Hardboard or cardboard siding, most commonly known as Masonite siding, is a product made of wood chips or wood strands and pressed together with resin and wax. It tends to absorb water, rot and then fall apart. Unless it is continuously maintained, it will eventually have to be replaced. When moisture accumulates behind the siding, various problems are caused, including mold, mildew and rotting. Exterior siding usually does not rot from the outside but rather from the inside. Masonite siding must be repainted more often than other wood sidings because it doesn't hold paint as well. If left exposed too long, the board will absorb moisture, expand and bow out. Unlike solid wood, which will shrink after it has expanded, hardboard will not. It may actually disintegrate. Masonite siding is not an appropriate substitute for wood siding.
7. A local supply company lists Masonite siding costs at \$1.37 per square foot, whereas new wood (cedar or yellow pine) siding averages \$2.77 per square foot. Masonite siding is approximately 49 percent less per square foot than new wood siding. (Both of these prices are based on a 7" board exposure.) The right side of the building contains approximately 896 square feet. Therefore, wood siding would cost approximately \$2, 482 vs. \$1,228 for Masonite. (These would be the high-end costs, as the 896 square footage includes an area where two windows would be installed.)

HISTORIC PRESERVATION COMMISSION MINUTES

August 18, 2003

Request of Granville and Diana Coleman for a COA to Alter the Property at 416 Pearl Street (portion of request after-the-fact).

(NOTE: Commissioners Fischer and Goldman had left the meeting and were not present to vote on this item.)

Mr. Granville Coleman explained that he removed the deteriorated clapboard siding on the right side of the building and had begun to replace the siding with Masonite siding when he was issued a stop-work order. He said none of the wood he removed was salvageable. He said ½" rectangular wood siding is no longer available, so he purchased 12" Masonite siding and was cutting it down to match the clapboard siding. He said beveled wood siding is currently available, but it is very expensive and would not match what was on the building. He said the reveal on the Masonite would be the same as the existing wood. He added that he would replace the windows in the building as he worked his way up the side, and they would be installed in the same location and be the same size as the original windows (double-hung, one over one). He said the windows he installed in the lower portion of the building are single-pane vinyl clad wood windows.

Chair Holloway said Masonite siding is inappropriate for the historic cottage. He said because of the high visibility of the building from the Expressway and Pearl Street, wood siding should be used.

Commissioner Fogleman agreed that a composite material should not be used.

Commissioner Glass said current wood siding is beveled and has the appearance of clapboard. True rectangular wood siding is no longer made and would have to be a special order. He said there is a noticeable difference in the shadow line between wood and Masonite or Hardiplank siding. Masonite siding would have some moisture retention problems if not properly installed. He noted that wood siding is more expensive than Hardiplank, and Hardiplank is more expensive than Masonite. He said when comparing wood to substitute materials, the exposure is the biggest issue, and the shadow line is a secondary issue.

Commissioner Calhoun asked if the Masonite would look like Hardiplank once it was installed and painted. Commissioner Glass said the profile of Masonite tended to be a little narrower. Commissioner Calhoun said wood, rather than a synthetic material, should be used.

Chair Holloway said the windows on one side of the house did not match the windows on the other side. Mr. Coleman responded that the windows were all different sizes because they were hand made or salvaged windows. He said he would install two Anderson vinyl clad wood windows with double panes on the main floor.

Commissioner Glass said Anderson vinyl covered wood windows would be appropriate.

Commissioner Devening asked Mr. Coleman to provide them with a photograph or brochure of the type of window he proposed to use. He said a substitute material would be acceptable if it has the appearance of the original material.

After discussion, Commissioner Glass made the following motion, which was seconded by Commissioner Devening and failed by the following vote:

"That the HPC hereby approves the request of Mr. and Mrs. Granville Coleman for a COA (HPC0308-0007-Denied) to alter the property at 416 Pearl Street as requested in their application with letter, both dated August 6, 2003."

AYES:	Devening, Glass	2
NOES:	Calhoun, Fogleman, Holloway	3
ABSTENTIONS:		0

Ms. Chenault briefly explained to the Colemans the appeal process to City Council.

After discussion, Commissioner Calhoun made the following motion, which was seconded by Commissioner Devening and passed by the following vote:

“That the HPC hereby tables the request of Mr. and Mrs. Granville Coleman for a COA to alter the property at 416 Pearl Street by installing Anderson windows until a photograph or brochure showing the design of the proposed windows is submitted for review.”

AYES:	Calhoun, Devening, Fogleman, Glass, Holloway	5
NOES:		0
ABSTENTIONS:		0

Granville C. & Diana L. W. Coleman
406 Pearl Street
Lynchburg, VA 24504
846-1818

August 27, 2003

Ms. Patricia W. Kost
Clerk of Council
P. O. Box 60
Lynchburg, VA 24505

Dear Ms. Kost:

This is a request to appeal the decision of the Historic Preservation Committee made on August 18, 2003, denying a Certificate of Appropriateness for property located at 416 Pearl Street.

Sincerely,

A handwritten signature in black ink, appearing to read "M/M Granville C. Coleman". The signature is fluid and cursive, written over a white background.

M/M Granville C. Coleman



1979



2003

416 Pearl Street



416 Pearl Street



Front View
7.14.43



416 PEARL STREET